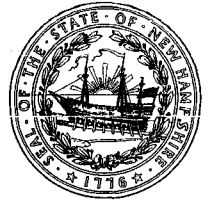




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Rick Clark
26 Newton Drive
Nashua, NH 03063

LETTER OF DEFICIENCY
WMB-BWQ-2005-02
October 1, 2005

Re: File #1500, Otternick Pond, Claveau Landing, Hudson

Dear Mr. Clark:

On September 21, 2005, the Department of Environmental Services (DES) received a complaint that waste products had been discharged on the banks and into public waters of the state of New Hampshire. DES recently received a Hudson Town Police report in which a witness identified employees of your company, Keep It Green, discharging hydroseed material in and on the banks of Otternick Pond at Claveau Landing, Hudson, NH.

According to RSA 485-A:15, it shall be unlawful for any person to put or place, or cause to be put or placed into a surface water of the state or on the ice over such waters, or on the banks of such waters, any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, tires, old automobiles or parts thereof, trees, or similar litter.

The following deficiencies were identified and attributed to activities conducted at this site:

- a. Discharge of hydroseed on the banks and into public surface waters of the state.

You are responsible for avoiding future violations of RSA 485-A:15. Compliance with the cited deficiencies can be achieved by conducting the following remedial actions:

1. Hand removal with rakes and shovels of all hydroseed material within 50 ft. of Otternick Pond, taking care so as to not disturb the natural vegetation and earth material within and adjacent to Otternick Pond.
2. Notifying DES within 3 business days of the final clean-up.
3. Refrain from further unlawful discharge of material in or adjacent to surface waters of the state.

In the event that appropriate actions are not taken, DES may order you to take additional remedial measures as may be necessary. Failure to comply with RSA 485-A:15 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

Please be assured that DES appreciates your willingness to cooperate in remedying the outstanding violations. If you have any questions, please contact Jody Connor at 603-271-3503 or jconnor@des.state.nh.us.

Sincerely,

Jody Connor
Limnology Center Director

Certified Mail # 7000 1670 0000 0587 6012

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cc: ✓ Gretchen R. Hamel, Legal Unit Administrator, DES
DES Watershed Management Bureau File (#1500)
Town of Hudson, Police Department
Town of Hudson, Conservation Committee